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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/758,566

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Kyeong Jin Kim

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10/10/2003

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EXAMINER

SCHECHTER, ANDREW M

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,566

Applicant(s)

KIM ET AL.

Examiner

Andrew Schechter

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-13 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8,10-12,16,17,19,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 2,7,9,13,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 28 July 2003 have been fully considered but they are not persuasive.

The applicants have amended claim 1 to include the limitations of the previous claims 3 and 4. They argue that claim 1 has been amended to include the limitations of the previous claim 4, which was indicated as allowable, so claim 1 should be allowable. However, the amended claim 1 does not include all the limitations of the previous claim 4, in that it does not include the limitations of claim 2, from which claim 4 originally depended. This situation was explicitly anticipated by the examiner in the previous office action, stating "if claim 4 was amended to depend on claim 3 rather than on claim 2 (as suggested under *Claim Objections*), it would not include the limitation of claim 2 and would be anticipated by *Kim '335*." [p. 5] The applicants' arguments are therefore not persuasive. The situation with claim 12 is analogous.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 6, 8, 10-12, 16, 17, 19, 21, and 22 are rejected under 35

U.S.C. 102(e) as being anticipated by *Kim et al.*, U.S. Patent No. 6,356,335.

Kim '335 discloses [see Figs. 4C, 5G, etc.] a liquid crystal display comprising first and second substrates [31, 33] and liquid crystal between them, gate and data lines defining pixel regions, a common auxiliary electrode [27] surrounding the pixel region [col. 4, lines 59-61], a pixel electrode [13] with an electric field induction window [43] on the first substrate, a common electrode [17] on the second substrate, a dielectric structure [57] on the common electrode which extends from the second substrate to the first substrate and acts as a spacer between the substrates [col. 4, lines 32-38]. Claim 1 is therefore anticipated. The dielectric structure is also on the pixel electrode, and extends from the first substrate to the second substrate, so claim 12 is anticipated.

Each of the pixel regions is divided into one or more sections to form a multi-domain pixel, with different driving characteristics, so claims 5, 6, 16, and 17 are also anticipated. The electric field induction windows include slits, so claims 8 and 19 are also anticipated. There is an alignment film [53, 55], so claims 10 and 21 are also anticipated. There is a phase difference film [29], so claims 11 and 22 are also anticipated.

Allowable Subject Matter

4. Claims 2, 7, 9, 13, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art (notably *Kim '335* and *Kim '798*) does not disclose an LCD with pixel electrode having electric field induction window, dielectric structure on the common electrode or pixel electrode acting as a spacer between the substrates, and a common auxiliary electrode surrounding the pixel region and on a layer equal to the gate lines. Claims 2 and 13 would therefore be allowable if rewritten appropriately.

The prior art (*Kim '335*) does not disclose the additional limitation of claims 7 and 18, that the common auxiliary electrode is formed in the electric field induction windows. *Kim '798* does disclose this feature in some embodiments, but does not provide a proper motivation for doing so in the device of *Kim '335*. Claims 7 and 18 would therefore be allowable if rewritten appropriately.

The prior art (*Kim '335*) does not disclose the additional limitation of claims 9 and 20, that the common auxiliary electrode partially overlaps the pixel electrode. *Kim '798* does disclose this feature in some embodiments, but does not provide a proper motivation for doing so in the device of *Kim '335*. Claims 9 and 20 would therefore be allowable if rewritten appropriately.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Schechter whose telephone number is (703) 306-5801. The examiner can normally be reached on Monday - Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (703) 305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AB

Andrew Schechter
7 October 2003


TOANTON
PRIMARY EXAMINER